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## Islam in Poland

By Stella Brozek, *Human Rights Without Frontiers*

HRWF (08.09.2004) – Email: [info@hrwf.net](mailto:info@hrwf.net) - Website: <http://www.hrwf.net> - In Poland, there are 15 religious groups whose relationship with the State is governed by specific legislation that outlines the internal structure of the religious groups, their activities, and procedures for property restitution. There are 139 (1) other registered religious groups that do not have a statutorily defined relationship with the State. All registered religious groups, including the original 15, enjoy equal protection under the law.

Religious communities may register with the Government; however, they are not required to do so and may function freely without registration. According to 1998 regulations, registration requires that the group submit the names of at least 100 members as well as information regarding the group itself. This information on membership must be confirmed by a notary public, although the registration itself often appears to be a formality. (...) All registered religious groups share the same privileges, such as duty-free importation of office equipment and reduced taxes.

Citizens enjoy the freedom to practice any faith that they choose. Religious groups may organize, select, and train personnel, solicit and receive contributions, publish, and meet without government interference. There are no government restrictions on establishing and maintaining places of worship.

The law places Protestant, Catholic, Orthodox, and Jewish communities on the same legal footing, and the Government attempts to address the problems that minority religious groups may face.

*Source: International Religious Freedom Report 2003 Released by the Bureau of Democracy, Human Rights and Labor, U.S. Department of State.*

### **Statistical data**

There are no precise statistics on the number of Muslims in Poland because no census has been conducted so far. According to the Polish Muslim Union (*Związek Muzułmanów Polskich*), the total number of Muslims in Poland is estimated at 31,000 (2).

The Muslim Religious Union of Poland (*Muzułmański Związek Religijny - MZR*), one of the 15 religious groups whose relationships with the State are governed by specific legislation (3), officially numbered 5123 adherents (4). Almost all of them are Polish Tatars, descendants of Tatar warriors and captives who have been settling in the Polish territories since the 14th century.

About 25,000 Muslim immigrants and students, mainly from Arab countries, and a number of Polish converts (about 500-1000 people) (5) are grouped together in

various religious associations that do not have a statutorily defined relationship with the State.

### ***Location of Muslim communities in Poland***

Muslims belonging to the Muslim Religious Union of Poland are organized in seven religious communities: Warsaw, Bialystok, Bohoniki, Kruszyniany, Gdansk, Gorzow Wielkopolski and Poznan. A new Islamic center is planned to be built in Bydgoszcz. They have mosques in Kruszyniany (18th century), in Bohoniki (mid-19th century) and in Gdansk (1990). There are also prayer houses in Warsaw and Bialystok.

On March 19, 2004 the 5<sup>th</sup> congress of the Muslim Religious Union of Poland (MZR) (6) elected Tomasz Miskiewicz as the first post-WWII mufti of Poland. Miskiewicz, who is the previous chairman of the Council of Imams in Poland, will hold the position of mufti for five years.

### ***Internal problems of the Muslim community***

As a small community, Tatar Muslims fear losing their cultural and religious identity. There is a lack of educated clergy and funds to establish educational institutions. In order to educate clergy for Muslim communities in Central and Eastern Europe, a Qur'an school is being built in Bialystok but progress is slow due to a lack of funding.

Polish Muslims do not have a common platform and headquarter for the coordination of their religious activity. Muslim organizations are not numerous and their staff usually works on a part-time basis or as volunteers. Other problem: the lack of Muslim writers, of translating and publishing activities. Only two translations of the comments of the Holy Qur'an are to be found on the market but they have been written by non-Muslims.

### ***Societal attitudes***

Muslims in Poland regret the lack of understanding of Islam and of their community in Polish society. They also complain that they have been wrongly perceived since September 11 terrorist attacks. They think easier access to the mass media could help them bridge the gap.

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(1) According to the latest statistics released by the Ministry of Interior and Administration of the Republic of Poland, there are 151 churches and other religious groups registered apart from the 15 aforementioned ones. (See: [http://www.mswia.gov.pl/index\\_a.html](http://www.mswia.gov.pl/index_a.html)).

(2) Polish Muslim Union Website: <http://www.planetaislam.com/>, Website visited on July 28, 2004.

(3) Their official status is regulated by the Law about the Relation between the State and the Muslim Religious Union of Poland from 1936 (Ustawa z dnia 21 kwietnia 1936 r. O stosunku Państwa do Muzułmańskiego Związku Religijnego w Rzeczypospolitej Polskiej, Dziennik Ustaw z dnia 24 kwietnia 1936 r. Nr 30, poz. 240).

(4) Concise Statistical Yearbook of Poland 2003 (*Mały Rocznik Statystyczny 2003*), Główny Urząd Statystyczny.

(5) Polish Muslim Union, *ibidem*. Polish converts are mainly women who converted to Islam by marriage.

(6) Muslim Religious Union of Poland, Islamic Center in Warsaw

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## **Fifth Periodic Report before the Human Rights Committee of the International Covenant of Civil and Political Rights**

HRWF (10.08.2004) – Website <http://www.hrwf.net> – Email [info@hrwf.net](mailto:info@hrwf.net) -- In 2004, Poland presented its Fifth Periodic Report (\*) before the Human Rights Committee of the International Covenant of Civil and Political Rights. This report was covering the period from January 1995 until September 2003. We present you below the section of the report entitled "Article 20 - Prohibition of propaganda for war and advocacy of national, racial or religious hatred".

### **Article 20 – Prohibition of propaganda for war and advocacy of national, racial or religious hatred**

340. In the Polish law, there are a number of provisions ensuring the implementation of article 20 of the ICCPR. The Penal Code (article 117 § 3) prohibits both incitement to war and incitement to national, racial and religious hatred. Whoever publicly incites to initiate a war of aggression is subject to the penalty of the deprivation of liberty for a term of between 3 months and 5 years.

The same penalty is envisaged for publicly inciting to use violence or unlawful threat towards a group of persons or a particular individual because of their national, ethnic, racial, political, or religious affiliation or because of their lack of religious beliefs (article 119 § 2 of the Penal Code). It is also an offence to publicly promote a fascist or other totalitarian system of the state or to incite to hatred because of differences in national, ethnic, racial, political, or religious affiliation or because of a lack of religious beliefs (article 256 of the Penal Code).

The commission of the offence is subject to a fine, the penalty of restriction or liberty or deprivation of liberty for up to 2 years. The Code also introduces penalisation for publicly insulting a group of persons or a particular individual because of their national, ethnic, racial, political, or religious affiliation or because of their lack of religious beliefs or breaching the personal inviolability of other persons for these reasons (article 257 of the Penal Code). The commission of the offence is subject to the penalty of deprivation of liberty for up to three years.

The most frequently identified violations of the above regulations concern as follows:

- writing inscriptions of nationalist and racist character on facades of buildings, monuments, obelisks, road signs,
- posting nationalist and racist leaflets in public places,
- promoting fascist slogans and symbols through their chanting, unfurling flags, etc.,
- disseminating publications of anti-Semitic and fascist character.

The description of the act contained in the aforementioned articles of the Penal Code allows the prosecution of perpetrators also when the offence was committed by means of the Internet.

341. On the basis of the provisions of the Penal Code currently in force may be ruled a confiscation of objects which have been used or were meant to be used during the commission of an offence, especially - but not only - in the case when the perpetrator has benefited materially from the commission of the offence. The planned amendment of article 256 of the Penal Code will introduce a possibility of deciding on the confiscation of materials inciting to discrimination because of differences in national, ethnic, racial, political, or religious affiliation or because of lack of religious beliefs, as well as of objects used for their manufacture or dissemination – even if they are not the property of the perpetrator – and will make it possible to prosecute preparatory action aimed at the dissemination of such materials.

342. Criminal liability for the publication of unlawful contents is borne also by the publisher. Articles 256 and 257 of the Penal Code apply here – namely the offence of publicly inciting to hatred and publicly insulting because of a particular affiliation.

An example of proceedings instituted against publishers may be the case pending before a Warsaw court against the owner of the "Goldpol" company for the publication and circulation of the book "Polish-Jewish War About Crosses", in which he included statements insulting persons of Jewish nationality. The justification of the indictment stated that "the book is a compilation of quotations and only a small part of it was written by the defendant. However, the defendant is the publisher of the book and thus a person who publicly disseminates contents included in it".

Another case is pending before a District Court for Wrocław Śródmieście against the owner of the "WorldMedia" publishing company, who is charged with – acting for the purpose of acquiring a material benefit – introducing into commercial circulation no fewer than 5,000 copies of a book by Władysław Bocquet "Through the Red Sea Towards the Ghettos of Europe", insulting the Jewish nation through the dissemination of anti-Semitic beliefs. On 3 February 2003 was issued an injunction and imposed a fine on the defendant of 2,500 PLN to the amount of 50 daily fines 50 PLN each. The decision is non-final.

In Olsztyn two persons were sentenced by a valid judgement of the Provincial court to the penalty of deprivation of liberty for 10 months each with a conditional suspension of its execution for the probation period of 3 years and to a fine of 50 daily fines to the amount of 20 PLN each, for – acting jointly and in collusion with other persons in the period from April 1992 until 1995 in Olsztyn and other towns, in the edited, published and circulated "Warmiak" periodical – they publicly insulted groups of persons because of their national, ethnic and racial affiliation and promoted a fascist and other totalitarian systems of the state, in addition inciting to hatred because of national, ethnic and racial differences.

343. In November 2003 a law envisaging penal liability of groups will enter into force. Currently the Penal Code envisages the possibility of obliging the subject who has acquired a material benefit as a result of an offence to its return in whole or in part to the benefit of the State Treasury, in the event of sentencing for an offence committed by a perpetrator acting on behalf of or in the interest of this entity. This does not affect situations when the acquired material benefit is subject to return to another entity.

344. The Constitution in its article 13 introduces a prohibition of the existence of political parties and other organisations whose programmes invoke totalitarian methods and the modes of activity of nazism, fascism and communism, as well as those whose programmes or activities sanction racial or national hatred

(Principles of monitoring the activities of political parties are described in remarks to article 22).

345. In addition, the Penal Code penalises participation in an organised group or in an association whose purpose is to commit offences (therefore also in connection with offences motivated by racial or other kinds of hatred), envisaging the penalty of the deprivation of liberty for up to 3 years for such participation. The penalty is more severe for the founder or leader of a group or an association if the group or the association has a military character.

346. See also information about article 26.

(\*) Ref. CCPR/C/POL/2004/5, 26 January 2004, Original: ENGLISH

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